

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Suzanne Genereux, et al.

Plaintiffs,

v.

American Beryllia Corp., et al.

Defendants.


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Case No. 04-cv-12137 JLT

**DEFENDANT BRUSH WELLMAN INC.'S MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN SUPPORT  
OF ITS MOTION TO DISMISS COUNT VIII OF PLAINTIFFS' COMPLAINT**

Defendant Brush Wellman Inc. ("Brush") requests leave of the Court to file a Supplemental Brief, submitted herewith, in support of Brush's motion to dismiss Count VIII ("Medical Monitoring") of the Plaintiffs' Amended Complaint. As grounds for its motion, Brush states that the Supplemental Brief provides the Court with additional authority which was issued subsequent to Brush's filing of its Reply Brief and oral argument.

Respectfully submitted,

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Attorneys for Defendant Brush Wellman Inc.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

I, Alan M. Spiro, counsel for Defendant Brush Wellman Inc. ("Brush"), hereby certify that I have conferred with counsel for Plaintiffs, Bradley M. Henry, and attempted in good faith to resolve or narrow the issue raised by Brush's Motion for Leave to File Supplemental Brief in Support of Brush's Motion to Dismiss Count VIII of the Plaintiffs' Amended Complaint. Plaintiffs' counsel stated that Plaintiffs are unwilling to assent to Brush's motion, contending that the supplementary authority submitted therewith consists of "cases with differing facts" and "have no bearing on the status of the controlling law in Massachusetts." Plaintiffs' counsel further reserved Plaintiffs' right to file an opposition to Brush's motion.

By: 

Alan M. Spiro (Federal Bar No. 475650)  
Attorney for Defendant Brush Wellman Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of April, 2005, a true and correct copy of the foregoing MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF was served via U.S. mail, first class postage prepaid, upon all counsel of record, as set forth below.



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